

should have been “more forthcoming” about the Eckstein conversation with Sen. McCain;⁸⁵³ that he had to be “more forthcoming” with the Senate Committee than he had been with McCain because the Eckstein conversation had “come back to haunt” him;⁸⁵⁴ and that he had “to struggle” to reconcile his two letters before the Senate Committee so that it would not appear that he deliberately misled Sen. McCain.⁸⁵⁵

3) Babbitt’s Subsequent Conduct Is Probative of Whether He Intended to Mislead McCain

Babbitt’s subsequent conduct concerning his letter to McCain bears on the truthfulness of his testimony about the letter before the Senate Committee. This subsequent conduct includes his letter to Sen. Thompson and his apology to McCain on Oct. 13, 1997.

(a) Babbitt Wrote a Letter to Thompson in October 1997, Admitting That He Invoked Ickes’s Name to Eckstein

In his letter to Sen. Thompson dated Oct. 10, 1997, Babbitt admitted that he invoked Ickes’s name in his conversation with Eckstein. In contrast to the drafting process used with the letter to McCain, though, Babbitt decided to draft personally the key parts of the letter relating to the Eckstein exchange. *See* Section II.K.2., *supra*.

The question arises as to why Babbitt decided at that point in time to be “more forthcoming” with Sen. Thompson about the Eckstein conversation than he had been with Sen.

⁸⁵³*Id.* at 221.

⁸⁵⁴*Id.* at 290.

⁸⁵⁵*Id.* at 292.